

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 07-CR-279

MICHAEL MORSE,

Defendants.

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**ORDER**

On October 23, 2007, a grand jury sitting in the Eastern District of Wisconsin returned a single-count indictment charging Michael Morse with the unlawful transport of firearms in violation of 18 U.S.C. §§ 922 and 924. On November 9, 2007, Morse was arraigned before Magistrate Judge Aaron Goodstein and plead not guilty to the offense charged in the single-count indictment. Pursuant to a pretrial scheduling order, Morse filed a pretrial motion to suppress the evidence seized by the Milwaukee Police Department as a result of a stop on August 29, 2007. On December 18, 2007, Magistrate Judge William Callahan, Jr. conducted an evidentiary hearing on the matter, and on January 4, 2008, issued his recommendation to this court that Morse' suppression motion be granted.

On January 14, 2008, the government filed an objection to the magistrate's recommendation to which the defendant responded on January 22, 2008, and thereafter filed a copy of the transcript of the December 18th evidentiary hearing.

Subsequent to the receipt of Magistrate Callahan's recommendation, this court issued a lengthy opinion in *United States v. Joey L. Marshall*, Case No. 07-CR-153,

(January 14, 2008) upholding Magistrate Patricia J. Gorence's recommendation that the defendant's motion to suppress be granted.

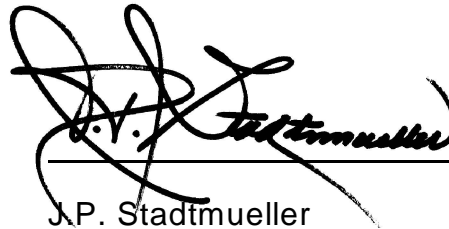
With the benefit of the government's objection, and the defendant's response together with this court's analysis in *Marshall*, the court has concluded that the better exercise of discretion and utilization of resources require that this matter be remanded back to Magistrate Callahan for further consideration.

Pending final adjudication of the motion to suppress, the final pretrial conference scheduled for Tuesday, January 29, 2008, as well as the trial scheduled for Monday, February 4, 2008, will be removed from the court's calendar and rescheduled, as appropriate.

**SO ORDERED.**

Dated at Milwaukee, Wisconsin, this 25th day of January, 2008.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller  
U.S. District Judge